

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LACEY SIVAK,
Plaintiff,
v.

JUDGE ARACELI MARTÍNEZ-OLGUÍN,
et al.,
Defendants.

Case No. [24-cv-04592-JD](#)
[24-cv-04653-JD](#)
[24-cv-06543-JD](#)
[24-cv-06544-JD](#)

ORDER RE DISMISSAL


Pro se plaintiff Sivak is incarcerated in Idaho and is a frequent litigant in this District. Scores of his cases were assigned to the Hon. Araceli Martínez-Olguín as presiding district judge. After Judge Martínez-Olguín issued decisions adverse to Sivak, he filed four lawsuits against her. Judge Martínez-Olguín recused herself and the cases were randomly reassigned to this Court.

The four cases are dismissed. None of the cases plausibly alleges a claim of any sort, even when read generously for a pro se litigant. To the extent Sivak disagrees with Judge Martínez-Olguín's disposition of his applications to proceed in forma pauperis, he may appeal to the Ninth Circuit as circumstances warrant. He may not seek review by another judge in the District. *See Allied Chem. Corp. v. Daiiflon, Inc.*, 449 U.S. 33, 35 (1980); *see also Mullis v. United States Bankr. Ct.*, 828 F.2d 1385, 1392-93 (9th Cir. 1987) ("horizontal appeal" from one district court to another improper and "district court lacks authority to issue a writ of mandamus to another district court"). In addition, Judge Martínez-Olguín is absolutely immune from civil claims for damages alleged in connection with actions taken in her judicial capacity. *See Moore v. Brewster*, 96 F.3d 1240, 1243 (9th Cir. 1996).

1 The dismissals are with prejudice. No facts can overcome these barriers. The Clerk is
2 requested to terminate all pending motions and close the cases. No further filings by Sivak will be
3 accepted in these cases.

4 **IT IS SO ORDERED.**

5 Dated: October 15, 2024

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9 JAMES DONATO
10 United States District Judge
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